

### **Remarks**

Claims 1-14, 16-20, 22 and 23 are pending in the application, and each was rejected. By this paper, claims 8 and 13 are amended, and claim 14 is canceled. Based on the following, consideration of the amended claims and reconsideration of the remaining claims are requested.

### **Claim Rejections—35 U.S.C. § 102**

The Examiner rejected claims 1, 7, 22 and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0168836 (Sato et al.). The Examiner states that "Sato discloses a side airbag (1) apparatus (see at least Figs. 7 and 8) having side aspect including a generally triangular portion disposed toward a front of the airbag when the airbag is deployed. The side aspect being 'at least partially' defined by a posterior edge, a top edge extending forward from the posterior edge, at least a portion of the bottom edge extending forward and upward toward the top edge, such that the side aspect narrows from a back region to a front region."

The Examiner has not specifically identified any of the claim elements by number or otherwise in Sato et al; rather, there is a general reference to "Figs. 7 and 8". The generally triangular portion is not identified, the posterior edge is not identified, the top edge is not identified, and the bottom edge is not identified. As Applicants stated in the Amendment filed 19 February 2008, the airbags illustrated in Figs. 7 and 8 of Sato et al. are not generally triangular, indeed, they have at least four sides. For example, a bottom edge extends forward and upward from its lowest point, and a top edge extends along the top of the airbag. If an axis is drawn intersecting the top and bottom edges—such as is expressly recited in amended claim 1—the front portion of the Sato et al. airbag is not defined, rather, a front edge is needed to complete the geometry; this makes the front portion of the Sato et al. airbag a four-sided figure that is not generally triangular. In response, the Examiner states that "[t]he structure relied to define the triangular portion of Sato et al. is three side[d] and not four sided and therefore defines a triangular portion. Any three sided portion would be considered 'generally triangular'."

With regard to this assertion, Applicants note that the Examiner has not identified *any* three sided portion disclosed by Sato et al. More particularly, the Examiner's statement that "[t]he structure relied to define the triangular portion of Sato et al. is three side[d] and not four sided," is unsupported by specific recitation of the three sides supposed to make up the structure. As further noted by Applicants in the 19 February Amendment, the Sato et al. airbag does not "substantially narrow" from such an axis to the front of the airbag as expressly recited in, for example, claim 1. Indeed, the front of the Sato et al. airbag is one of the widest portions of the side aspect. The Examiner does not even address this in the "Response to Arguments" section; rather, as quoted above, the Examiner makes the unsupported assertion, referring to Sato et al., that "the side aspect narrows from a back region to a front region". Applicants respectfully submit that it is incumbent upon Examiner to make a *prima facie* case of anticipation, and this includes a showing that all of the elements of a claim are either expressly or inherently described in a single piece of prior art. MPEP § 2131, Rev. 6.

Because claim 1 of the present application contains elements that are neither expressly nor inherently described in Sato et al., Applicants submit that the requirements for establishing a *prima facie* case of anticipation have not been met. Claims 7, 22 and 23 each depend directly from claim 1 and contain all of the limitations of claim 1 as well as additional limitations that further distinguish it from the cited reference. Therefore, Applicants also submit that claims 7, 22 and 23 are not anticipated by Sato et al.

### **Claim Rejections—35 U.S.C. § 103**

The Examiner rejected claims 2, 8, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of U.S. Patent No. 5,439,248 (Steffens, Jr. et al.). With regard to claim 2, it depends directly from claim 1, which, as discussed in detail above, is believed to be allowable. Therefore, Applicants submit that claim 2 is also allowable. Claim 8 is amended by this paper to more particularly point out and distinctly claim the subject matter of the invention. Amended claim 8 recites an airbag apparatus for a vehicle that includes "an airbag having a generally wedge shaped rear aspect when deployed, the generally wedge shaped rear aspect narrowing from an upper region to a lower region [and] a side aspect including first and second portions, the first portion being generally triangular and substantially narrowing from a

back region to a front region...." As discussed above, Sato et al. does not disclose an airbag with a side aspect that "substantially narrows from a back region to a front region;" there is not even a suggestion of this configuration, which is expressly recited in amended claim 8. Combining Sato et al. with Steffens, Jr. et al. yields the same result. Therefore, claim 8 contains limitations are neither taught nor suggested by the cited combination, and Applicants respectfully submit that the requirements for establishing a *prima facie* case of obviousness have not been met.

With regard to claim 14, it is canceled by this paper, rendering moot this rejection. As for claim 13, it is amended by this paper, and recites a vehicle seat that includes a side airbag apparatus having a side aspect that includes limitations analogous to those in claim 1. The analysis above regarding claim 1 and Sato et al. is also applicable to amended claim 13. Moreover, the inclusion of Steffens, Jr. et al. to form a combination with Sato et al. does not, as expressly required for a finding of obviousness, create a combination that teaches or suggests all of the limitations of amended claim 13. Therefore, Applicants respectfully submit that with regard to amended claim 13, the requirements for establishing a *prima facie* case of obviousness have not been met.

The Examiner rejected claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of U.S. Patent No. 7,108,278 (Kai et al.). The combination of Sato et al. and Kai et al. does not teach or suggest all of the claim limitations of either of claims 3 or 6, each of which depends directly from claim 1. For example, the combination of Sato et al. and Kai et al. does not teach or suggest the generally triangular side aspect as expressly recited in claim 1. Applicants therefore submit that claims 3 and 6 are patentable over the cited combination.

The Examiner also rejected claims 4 and 5 over Sato et al. in view of U.S. Patent No. 6,344,251 (Keshavaraj et al.). Like claims 3 and 6, claims 4 and 5 each depend directly from claim 1; moreover, claim 1 contains limitations that are neither taught nor suggested by the Sato et al. and Keshavaraj et al. combination. Therefore, Applicants submit that claims 4 and 5 are patentable over the cited combination.

The Examiner further rejected claims 9, 12 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of Steffens, Jr. et al. as applied to claims 2, 8, 13 and 14, and further in view of Kai et al. The Examiner also rejected claims 10, 11, 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of Steffens, Jr. et al. as applied to claims 2, 8, 13 and 14, and further in view of Keshavaraj et al. Claims 9-12 depend directly from amended claim 8, which, as discussed in detail above, is believed to be patentable over the cited references; claims 9-12 each contain all of the limitations of amended claim 8, as well as additional limitations that further distinguish them from the cited references. Therefore, claims 9-12 are also believed to be patentable. Similarly, claims 16-20 each have amended claim 13 as their base claim, and each contains all of the limitations of amended claim 13, as well as additional limitations that further distinguish it from the cited references. Therefore, claims 16-20 are also believed to be patentable.

Based on the foregoing, Applicants respectfully request allowance of each of the pending claims. Please charge any additional fees or credit any over overpayments as a result of the filing of this paper, to Ford Global Technologies, LLC Deposit Account No. 06-1510.

Respectfully submitted,

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